
EXHIBIT G

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

PAULA PAGONAKIS,

Plaintiff,

vs.

EXPRESS, LLC, A/K/A
LIMITED BRANDS, INC.,

Defendants.

Civil Action No.
1:06-CV-00027 GMS

COPY

VIDEOTAPED DEPOSITION

of JENNIFER HINKLE

Taken at the offices of
VORYS, SATER, SEYMOUR & PEASE, LLP
52 East Gay Street
Columbus, Ohio 43216-1008

on November 20, 2006, at 10:02 a.m.

Reported by: Angela R. Starbuck, RPR

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1 handling all of the opening and closing
2 tasks related to that store, hiring and
3 coaching associates, coaching while they're
4 on the floor selling to customers and sort
5 of in off-peak times trying to, you know,
6 build the capability of the associates in
7 the store to increase top line sales.

8 Q. Okay. And was there another
9 co-manager -- I assume there was -- at that
10 store?

11 A. I assume there was, but I -- I don't
12 know exactly what their -- their complement
13 was of management.

14 Q. Okay. And are you saying, then,
15 that a -- it's not possible for one
16 co-manager to work only daylight hours and
17 the other to work whatever the other hours
18 would be?

19 A. That's correct.

20 Q. It's not possible?

21 A. Well, we were doing it. It's -- I
22 mean, just to be clear, we accommodated all
23 of her -- her restrictions. You know, we
24 had been doing so. Back to your earlier

1 point, this had been going on for a little
2 while, so we continued to accommodate that.

3 Given any other set of circumstances
4 where this -- if this were a new case, if
5 you will, the first time we were seeing
6 somebody went out on leave and came back and
7 these were their accommodations, we would
8 not have been able to accommodate those.

9 Q. Okay. And did you -- do you know
10 whether that was accommodated after November
11 or December of 2003, whether she was allowed
12 to continue to work just daylight hours?

13 A. She was -- I would have to go back.
14 It was the doctor -- the list of accommod --
15 or restrictions that we had from 12-23 that
16 we just looked at a little bit ago, those
17 accommodations we honored.

18 Q. And --

19 MR. CAMPBELL: Why don't we just be
20 clear --

21 MR. EHRENBURG: Yeah.

22 MR. CAMPBELL: -- is Exhibit 1 what
23 you're looking at?

24 THE WITNESS: That's right.

1 BY MR. EHRENBURG:

2 Q. And what -- what evidence -- or do
3 you know whether there's any evidence that
4 you continue to accommodate this other than
5 you telling me that?

6 A. I'm not following your question. I
7 know I had conversations with the district
8 manager and with Tara about this,
9 instructing them to -- that we would
10 continue to accommodate these restrictions.

11 Q. And do you know whether Tara and Ana
12 continued to accommodate them?

13 A. Yes.

14 Q. And I guess how did -- my question
15 is how do you know that they continued to be
16 accommodated?

17 A. How do I know that? I know we
18 funded the store -- I believe we funded the
19 store additional payroll hours to -- to
20 compensate for that. The stores are only
21 allocated X number of hours to run their
22 store and so we would need to fund them
23 additional hours so that they would be able
24 to cover all of the open hours of the -- of

1 the store while Paula was working this
2 reduced schedule, if you will.

3 Q. Now, why would that be necessary
4 if -- if there were two co-managers? why
5 would you need to pay more money? Couldn't
6 the other co-manager be there in the
7 nighttime hours?

8 A. It just isn't that simple. So the
9 store opens -- and I don't know the exact
10 hours of Christiana Mall. Most malls are
11 9:00 to 9:00, so Paula could only work
12 during daylight hours and couldn't drive if
13 it was foggy out, so there would be many
14 days where they would need a manager to open
15 the store and then Paula would come in
16 around 10:00 or 11:00 and then need to leave
17 by 4:00. That's not a -- it's not an
18 eight-hour day and it's certainly not a
19 40-hour week, yet we were paying her for 40
20 hours. So we would need to fund the store
21 additional hours to cover the hours that an
22 additional manager would need to be brought
23 in to cover, to make sure that we had
24 someone on-site at all times.

Hinkle, Jennifer

From: Hinkle, Jennifer
Sent: Monday, December 29, 2003 1:31 PM
To: EXP Region 20011 - Klancic, Ana
Subject: RE: (no subject)

Yes and no, we do make every attempt to make an accommodation for an associate. We do however, always have the ability to say the restrictions are too severe and we cannot work with them. In these situations we would work with the lawyers to ensure we were OK with our position. In Paula's situation we may not have a choice because she has been working only day hours for years and years. It would be hard for us now to say that we couldn't accommodate her in this area. Does that make sense?

Have you received a copy of the restrictions? If so, what are your thoughts? If you want to discuss live today, call me at 614-226-6694.

Thanks Ana.

-----Original Message-----

From: EXP Region 20011 - Klancic, Ana
Sent: Monday, December 29, 2003 1:12 PM
To: Hinkle, Jennifer
Subject: RE: (no subject)

Hi Jennifer, thank you for getting this matter taken care of. But I do have a question? Do I really have a choice, but to accommodate her disability?

-----Original Message-----

From: Hinkle, Jennifer o
Sent: Monday, December 29, 2003 1:08 PM
To: PPag4@aol.com
Cc: EXP Region 20011 - Klancic, Ana
Subject: RE: (no subject)

Hi Paula, Susan faxed me a copy of your restrictions. It is now up to Ana and your Store Manager to determine if they can make the accommodations outlined by your doctor.

Ana, if you have any questions, or need any assistance while Tara is on PTO, please let me know.

Thanks,
Jennifer Hinkle
HR Manager, Express

-----Original Message-----

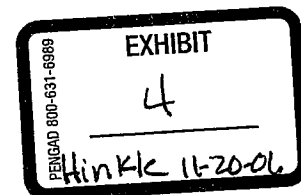
From: PPag4@aol.com [mailto:PPag4@aol.com]
Sent: Friday, December 26, 2003 4:46 PM
To: Hinkle, Jennifer
Subject: Re: (no subject)

Ms. Hinkle,

I have to again thank you for your direct and clear communication. I will follow up with Susan as recommended.

Paula J. Pagonakis

12/30/2003



EXPRESS-PAG000040

Hinkle, Jennifer

From: PPag4@aol.com
Sent: Monday, December 29, 2003 6:06 PM
To: Hinkle, Jennifer
Cc: EXP Region 20011 - Klancic, Ana
Subject: Re: (no subject)

Ms. Hinkle,

I am glad you have received the copy of accommodations needed. Hopefully, all parties needing them, now, have them. If anything further is needed, please do not hesitate to inform me and I will be happy to provide whatever is needed as soon as possible.

FYI: Ana and I have been discussing and working with accommodating my disabilities all along until Tara came into my store and told me that Ana did not have the authority to work with me in this regard and took my accommodations away. Now you are saying it is up to Ana and the store manager to provide these accommodations.

A lot of time, effort and expense for all parties concerned was expended in this exercise. Sorry if I am venting but this has been frustrating, causing me much stress and has cast me in a negative light within the company. It seems to me, all that was needed was an update of my disabilities.

Once again, I appreciate your intervention in providing clarity and direction contributing to the resolution of this matter.

Sincerely,

Paula J. Pagonkais

3/5/2004

EXPRESS-PAG000041